

UNITED STATES OF AMERICA )  
 )  
 v. )  
 )  
 TOYA A. DENHAM )

**FINDINGS AND RECOMMENDATION**  
**OF THE MAGISTRATE JUDGE**  
**UPON A PLEA OF GUILTY**

Upon Defendant's request to enter a plea of guilty pursuant to Rule 11 of the Federal Rules of Criminal Procedure, this matter came on for hearing before U.S. Magistrate Susan Collins, on September 17, 2015, with the written consents of the Defendant, counsel for the Defendant, and counsel for the United States of America.

In consideration of that hearing and the statements made by the Defendant under oath on the record and in the presence of counsel, the remarks of the Assistant United States Attorney and of counsel for Defendant,

(1) that Defendant understands the nature of the charges against her to which the plea is offered;

(2) that the Defendant understands her right to trial by jury, to persist in her plea of not guilty, to the assistance of counsel at trial, to confront and cross-examine adverse witnesses, and

her right against compelled self-incrimination;

(3) that the Defendant understands what the maximum possible sentence is, including the effect of the supervised release term, and Defendant understands that the Sentencing Guidelines apply and that the Court may depart from those guidelines under some circumstances;

(4) that the plea of guilty by the Defendant has been knowingly and voluntarily made and is not the result of force or threats or of promises apart from the plea agreement between the parties;

(5) that Defendant is competent to plead guilty;

(6) that the Defendant understands that her answers may later be used against her in a prosecution for perjury or false statement;

(7) that there is a factual basis for the Defendant's plea; and further,

I RECOMMEND that the Court accept the Defendant's plea of guilty and that the Defendant be adjudged guilty of the offense charged in Count 3 of the three-count Indictment, and have sentence imposed. A Presentence Report has been ordered. Should this Findings and Recommendation be accepted and the Defendant adjudged guilty, sentencing will be scheduled before Judge Theresa L. Springmann by separate order and notice. Objections to the Findings and Recommendation are waived unless filed and served within fourteen (14) days. 28 U.S.C. § 636(b)(1)(B).

DATED this 17th day of September 2015.

s/ Susan Collins  
Susan Collins  
United States Magistrate Judge